

REMARKS

Claims 1, 3, 6, 7, 9, 12-16, and 19-21 are pending in the application. New independent claim 21 has been added by the present amendment. New independent claim 21 is fully supported by the application as originally filed, and incorporates subject matter of original claims 3, 13, and 14 (see, e.g., page 32, lines 20-25; page 33, lines 6-10; and FIG. 9 of the application).

As recited in new independent claim 21, a relay device receives and stores data addressed to a communications device, and "assigns identity information and a serial number to each of stored data sets, the serial numbers being assigned in an order that the data sets are stored, the stored data sets being renumbered where necessary so that they are serially numbered." Also, as recited in new independent claim 21, a data identifying means "determines whether the data to be received from the relay device over the network is the response data by comparing a size of the data to be received to a predetermined data size," and a receipt control means changes a ranking by making a request to the relay device, so as to rank the response data higher than other data.

In other words, according to new independent claim 21, if a request has been made for a response to a data transmission from a receiving-end machine, the communications device is capable of quickly receiving response data to the response request regardless of the ranking indicated by serial numbers assigned by the relay device, where the response data can have a small, substantially constant data size, which allows for precise determination as to whether the data is "response data" (see, e.g., specification at page 26, lines 4-15).

Further, as recited in new independent claim 21, when a request is made for a response to a data transmission from a receiving-end machine and data to be received from the relay device is not response data, it is determined "whether the size of the data to be received is smaller than the empty space in the storage means less a predetermined value $\alpha \times A$, where A is a number of the response requested," and when the determination result shows that the size of the data is greater than or equal to the empty space in the storage means less the predetermined value $\alpha \times A$, the data is not received from the relay device.

Therefore, according to new independent claim 21, when multiple response requests are transmitted to the receiving-end machine, multiple response data sets can be received corresponding to the respective response requests. Further, according to the claimed invention, an exact amount of empty space in a storage means is secured to store the multiple response data sets corresponding to the response requests, which allows for effective use of the storage space.

Claims 13, 14, and 19 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent 6,351,764 to Voticky et al. ("Voticky"). Claims 1, 6, 7, 12, and 20 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,764,899 to Eggleston et al. ("Eggleston"). These rejections are respectfully traversed.

Regarding the rejection of independent claims 13 and 19 over Voticky, on page 3 of the Office Action of 05/27/2009, FIG. 2 of Voticky, along with column 4, lines 14-36 and column 5, lines 34-37 were cited as allegedly corresponding to the claimed "data identifying means."

In Voticky, it is described that data entered into a database of a client 8 includes identifiers as to the source of information expected to be received by the client 8 over a network (see, e.g., column 4, lines 14-17 of Voticky). The "identifiers" refer to, e.g., email addresses expected to serve as the sources of email messages to the client 8 (see column 4, lines 17-24).

Further, as described in column 4, lines 25-36 of Voticky, the method disclosed in Voticky relates to prioritization of the incoming email messages based on address information.

However, there is no teaching or suggestion in Voticky of any determination that is made as to whether data received over a network is "response data to the response request" as claimed.

In other words, there is no teaching or suggestion that the underlying data contained in the incoming email messages received in Voticky is analyzed in order to determine whether the data is "response data" to a response request, as claimed.

Regarding the rejection of independent claims 1, 6, 7, 12, and 20 over Eggleston, on page 5 of the Office Action of 05/27/2009, column 13, lines 31-46 and 53-55, along with FIG. 9 of Eggleston, were cited as allegedly corresponding to the claimed "data identifying means."

Referring to column 13, lines 22-55 of Eggleston, a comparison matching process is described in which the entire text of a "reply message" is compared to a "preceding message" in order to generate a delta, and thus to optimize message sizes.

However, in Eggleston, the comparison matching occurs between a "reply message" and a "preceding message," both of which are sent by the same client. There is no teaching or suggestion in Eggleston that the "reply message" constitutes "response data to the response request" as claimed. Instead, in Eggleston, the "reply message" is merely compared to a "preceding message" in order to optimize message sizes. Moreover, the size of the "reply message" is not compared to a predetermined data size, but instead to a "preceding message."

For at least the reasons discussed above, the Voticky and/or Eggleston references do not anticipate or otherwise render obvious the Applicants' claimed invention. Therefore, independent claims 1, 6, 7, 12, 20, and 21 and their respective dependent claims are patentable over the cited references.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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